

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

***In Re: Atrium Medical Corp., C-Qur Mesh Products Liability Litigation  
MDL No. 2753***

**Civil Action No. \_\_\_\_\_  
(Jury Trial Demanded)**

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**SHORT FORM COMPLAINT**

Come now the Plaintiff(s) named below, by and through their attorneys at Motley Rice, LLC and for their Complaint against the Defendants named below, incorporate the Master Long Form Complaint in MDL No. 2753 by reference. Plaintiff(s) further show the Court as follows:

1. Plaintiff

Angela Lidster

2. Consortium Plaintiff

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

N/A

4. Current State of Residence

Michigan

5. State of Residence at the Time of Implant (if different)

Michigan and United States

6. State of Residence at the Time of Explant (if applicable and different)

Michigan and United States

7. District Court and Division in which venue would be proper absent direct

filing District of New Hampshire and Eastern District of Michigan

8. Defendants (Check Defendants against whom Complaint is made):

- ☒ A. Atrium Medical Corporation (“Atrium”);
- ☒ B. Maquet Cardiovascular US Sales, LLC (“Maquet”);

9. Basis of Subject Matter Jurisdiction

- ☒ Diversity of Citizenship

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

Paragraphs 1-26

B. Other allegations of jurisdiction and venue:

A substantial portion of the events giving rise to Plaintiff's injuries occurred in the Eastern District of Michigan and the District of New Hampshire, making jurisdiction and venue proper.

10. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- ☒ A. C-QUR;
- ☐ B. C-QUR Mosaic;
- ☐ C. C-QUR Edge;
- ☐ D. C-QUR TacShield;
- ☐ E. C-QUR Lite Mesh V-Patch
- ☐ F. C-QUR Mesh V-Patch
- ☐ G. Other C-QUR mesh product

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11. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- ☒ A. C-QUR;
- ☐ B. C-QUR Mosaic;
- ☐ C. C-QUR Edge;
- ☐ D. C-QUR TacShield;
- ☐ E. C-QUR Lite Mesh V-Patch
- ☐ F. C-QUR Mesh V-Patch
- ☐ G. Other C-QUR mesh product;

12. Date of Implantation as to Each Product

09/25/2012

13. Date of Explant as to Each Product

11/20/2014

14. Hospital(s) where Plaintiff was implanted (including City and State)

Detroit Medical Center - Detroit, MI

15. Implanting Surgeon(s)

Matthew J. Weiner, MD

16. Hospital(s) Where Plaintiff Had Explant (including City and State, if applicable)

Huron Valley Sinai Hosptial - Commerce, MI

17. Explanting Surgeon(s)

Weiner MD, Matthew J.

18. Plaintiff alleges the following injury(ies) he or she suffered as a result of the implantation of the subject C-QUR mesh product.

Plaintiff experienced infection/infected mesh, abscess, pain, adhesions and recurrence. Plaintiff had to undergo an additional surgery due to the failure of the C-Qur mesh.

19. Counts in the Master Complaint brought by Plaintiff(s)

- ☒ Count I - Negligence
- ☒ Count II – Strict Liability – Design Defect
- ☒ Count III – Strict Liability – Manufacturing Defect
- ☒ Count IV – Strict Liability – Failure to Warn
- ☒ Count V – Strict Liability – Defective Product
- ☒ Count VI – Breach of Express Warranty
- ☒ Count VII – Breach of Implied Warranties of Merchantability and Fitness of Purpose
- ☒ Count VIII – Fraudulent Concealment
- ☒ Count IX – Constructive Fraud
- ☒ Count X – Discovery Rule, Tolling and Fraudulent Concealment
- ☒ Count XI – Negligent Misrepresentation

- ☒ Count XII – Negligent Infliction of Emotional Distress
- ☒ Count XIII – Violation of Consumer Protection Laws
- ☒ Count XIV – Gross Negligence
- ☒ Count XV – Unjust Enrichment
- ☐ Count XVI – Loss of Consortium
- ☒ Count XVII – Punitive or Enhanced Compensatory Damages
- ☐ Other \_\_\_\_\_ (please state the facts supporting this Count under applicable state law in the space immediately below)
- ☐ Other \_\_\_\_\_ (please state the facts supporting this Count under applicable state law in the space immediately below)

WHEREFORE, Plaintiff(s) demand(s) judgment against Defendants, and each of them, individually, jointly and severally and prays for the following relief in accordance with applicable law and equity:

- i. Compensatory damages to Plaintiff(s) for past, present, and future damages, including, but not limited to, pain and suffering for severe and permanent personal injuries sustained by Plaintiff(s), permanent impairment, mental pain and suffering, loss of enjoyment of life, past and future health and medical care costs, and economic damages including past and future lost earnings and/or earning capacity, together with interest and costs as provided by law;
- ii. Restitution and disgorgement of profits;

- iii. Punitive or enhanced compensatory damages;
- iv. Reasonable attorneys' fees as provided by law;
- v. The costs of these proceedings, including past and future cost of the suit incurred herein;
- vi. All ascertainable economic damages;
- vii. Survival damages (if applicable);
- viii. Wrongful death damages (if applicable);
- ix. Prejudgment interest on all damages as is allowed by law; and
- x. Such other and further relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff(s) hereby demand(s) a trial by jury on all issues so triable.

Dated: 10/20/2020

/s/ Jonathan D. Orent, Esq.

MOTLEY RICE, LLC

/s/ Jonathan D. Orent

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